

# 中华人民共和国国家知识产权局

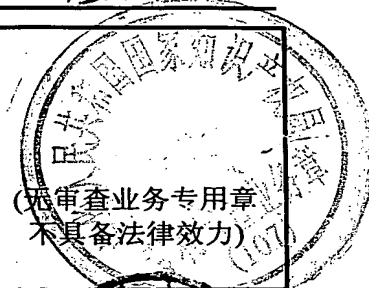
PLIX 9544

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北京市柳沈律师事务所

吕晓章



申请号: 01112397.4 部门及通知书类型: 3-D 发文日期:

申请人: 汤姆森特许公司

发明名称: 双向通信设备的信号接口

## 第一次审查意见通知书

1. ☒ 依申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查。

☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以在:

US	专利局的申请日	2000 年 4 月 6 日	为优先权日,
	专利局的申请日		为优先权日,
	专利局的申请日		为优先权日,
	专利局的申请日		为优先权日,
	专利局的申请日		为优先权日,

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。

☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。

3. ☐ 申请人于\_\_\_\_年\_\_月\_\_日和\_\_\_\_年\_\_月\_\_日提交了修改文件。

经审查, 其中: \_\_\_\_年\_\_月\_\_日提交的\_\_\_\_不能被接受; \_\_\_\_年\_\_月\_\_日提交的\_\_\_\_不能被接受;

因为上述修改 ☐ 不符合专利法第 33 条的规定。 ☐ 不符合实施细则第 51 条的规定。

修改不能被接受的具体理由见通知书正文部分。

4. ☒ 审查是针对原始申请文件进行的。

☐ 审查是针对下述申请文件进行的:

说明书	申请日提交的原始申请文件的第____页;
	____年__月__日提交的第____页; ____年__月__日提交的第____页;
	____年__月__日提交的第____页; ____年__月__日提交的第____页;
权利要求	申请日提交的原始申请文件的第____页;
	____年__月__日提交的第____页; ____年__月__日提交的第____页;
	____年__月__日提交的第____页; ____年__月__日提交的第____页;
附图	申请日提交的原始申请文件的第____页;
	____年__月__日提交的第____页; ____年__月__日提交的第____页;
	____年__月__日提交的第____页; ____年__月__日提交的第____页;
说明书摘要	<input type="checkbox"/> 申请日提交的; <input type="checkbox"/> ____年__月__日提交的;
摘要附图	<input type="checkbox"/> 申请日提交的; <input type="checkbox"/> ____年__月__日提交的。

5. ☐ 本通知书是在未进行检索的情况下作出的。

☒ 本通知书是在进行了检索的情况下作出的。

☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	"Interactive Cable Is a Reality: Liberate Technologies and Cisco Working Together" CISCO SYSTEMS INC. AND LIBERATE TECHNOLOGIES,	1999 年 12 月 31 日
2	CN1220547A	1999 年 6 月 23 日
3		年 月 日
4		年 月 日

6. 审查的结论性意见:

☐ 关于说明书:

☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐ 说明书不符合专利法第 26 条第 3 款的规定。

☐ 说明书的撰写不符合实施细则第 18 条的规定。

☒ 关于权利要求书:

☐ 权利要求\_\_\_\_不具备专利法第 22 条第 2 款规定的新颖性。

☒ 权利要求1-3, 8-9, 11-17不具备专利法第 22 条第 3 款规定的创造性。

☐ 权利要求\_\_\_\_不具备专利法第 22 条第 4 款规定的实用性。

☐ 权利要求\_\_\_\_属于专利法第 25 条规定的不授予专利权的范围。

☒ 权利要求10不符合专利法第 26 条第 4 款的规定。

☐ 权利要求\_\_\_\_不符合专利法第 31 条第 1 款的规定。

☐ 权利要求\_\_\_\_不符合实施细则第 2 条第 1 款关于发明的定义。

☐ 权利要求\_\_\_\_不符合实施细则第 13 条第 1 款的规定。

☒ 权利要求4-7, 18不符合实施细则第 20 条至第 23 条的规定。

☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。

☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。

☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

☐

8. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交给国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有5页, 并附有下列附件:

☒ 引用的对比文件的复印件共2份49页。

☐

回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收

2201 99.1

(注: 凡寄给审查员个人的信函不具有法律效力)

## 第一次审查意见通知书正文

如说明书所述, 本申请涉及一种双向通信设备的信号接口。经审查, 现提出如下审查意见。

1、权利要求 1 要求保护一种信号接口装置, 对比文件 1 ( "Interactive Cable Is a Reality: Liberate Technologies and Cisco Working Together" CISCO SYSTEMS INC. AND LIBERATE TECHNOLOGIES, 1999, San Jose; ) 也公开了一种信号接口装置, 其中 (第 7 页 15 行~第 8 页 6 行, 图 4) 披露了以下技术特征: 该接口装置包括一个端子, 用于接收来自电缆网络 (相当于第一源) 的信号并输出返回信号到电缆网络; 一个双工器耦合到所述端子; 一个 DOCSIS 调谐器、In-Band 调谐器 (相当于第一和第二调谐器) 和一个返回通道传输器分别耦合到双工器。由此可见, 权利要求 1 与对比文件 1 的区别仅在于在双工器和两个调谐器之间耦合了一个信号分配器用于分配接收通信信号并传输给两个调谐器。由区别特征可以看出, 权利要求 1 实际要解决的技术问题是根据频率的不同将接收信号分离成模拟的视频信号和 DOCSIS 信号。而对比文件 2 (公开号: CN1220547A, 公开日: 1999 年 6 月 23 日) 也公开了一种用于有线电视的电缆调制解调器用调谐器, 包括上行数据流电路部 (40) 和用来接收来自所述 C A T V 台的下行信号并进行处理的接收部, 所述接收部具有选择部 (18~20) 根据经所述电缆接收到的信号中的频带, 选择输出对应于包含至少 2 个系统的多个系统中的所希望的系统的信号, 经过一系列处理后通过分配器 (46) 最终将信号分离成模拟信号和数字基带信号分别从输出端 15 和 35 输出 (参见说明书第 6 页 17 行~9 页 25 行, 图 1)。由此可见, 对比文件 2 中调谐器的接收部与本申请中的信号分配器所起的作用相同, 本领域技术人员很容易从中得到技术启示, 在对比文件 1 的基础上结合对比文件 2 得到该权利要求要求保护的技术方案, 因此, 权利要求 1 不具备突出的实质性特点和显著的进步, 因而不具备专利法第 22 条第 3 款规定的创造性。

2、权利要求 2 是权利要求 1 的从属权利要求, 但是本领域技术人员都知道操作产生返回通信信号必定要通过一个处理器来完成的, 而且根据权利要求

1 的装置，该处理器必定是耦合在双工器上的，从而使返回通信信号绕过分配器直接提供到所述双工器，因此，在其引用的权利要求不具备创造性的前提下，该权利要求同样不具备专利法第 22 条第 3 款规定的创造性。

3、权利要求 3 是权利要求 1 的从属权利要求，而对权利要求 1 中的评述中已经提到对比文件 1 中的 DOCSIS 调谐器就相当于第一调谐器，它必定包 DOCSIS 兼容信号，并且协调接收所述第一复制信号，而 In-Band 调谐器就相当于第二调谐器，包括 MPEG-2 兼容信号，并且协调接收所述第二复制信号。由此可见，权利要求 3 的附加技术特征都已经被对比文件 1 公开，在其引用的权利要求不具备创造性的前提下，权利要求 3 也不具备专利法第 22 条第 3 款规定的创造性。

4、权利要求 4 含义不确定，“DOCSIS 兼容解码器”与权利要求 1 中的“第一调谐器”是什么关系不清楚，审查员无法确定该权利要求是限定“第一调谐器”还是增加另外一个装置，“模拟 NTSC 信号兼容解码器”和“MPEG 兼容解码器”与“第二调谐器”的关系也不清楚，导致其保护范围不清楚，不符合专利法实施细则第 20 条第 1 款的规定。

5、权利要求 5-7 是权利要求 1 的从属权利要求，而权利要求 1 的前序部分已经限定该接口装置用于解码从第一源接收的视频信号，而权利要求 5 又限定所述系统解码从第一和第二源接收的视频信号，前后矛盾，导致其保护范围不清楚，不符合专利法实施细则第 20 条第 1 款的规定。

6、权利要求 8 要求保护一种用于解码从第一和第二源接收的视频信号并且支持与所述第一源连续双向通信的系统中，提供用于调节从所述第二源接收的和在所述系统和所述第一源之间传递的信号的信号接口装置。而对比文件 1（第 7 页 15 行~第 8 页 6 行，图 4）公开了一种与一个信息源双向通信的信号接口装置，该接口装置包括一个端子（相当于第一端子），用于接收来自电缆网络（相当于第一源）的信号并输出返回信号到电缆网络；一个双工器耦合到所述端子；一个 DOCSIS 调谐器、In-Band 调谐器（相当于第一和第二调谐器）

和一个返回通道传输器分别耦合到双工器。同时对比文件 2（说明书第 6 页 17 行~9 页 25 行，图 1）公开了一种用于有线电视的电缆调制解调器用调谐器，其中调谐器的接收部与本申请中的信号分配器所起的作用相同，由此可见，该权利要求区别于对比文件 1 和对比文件 2 的区别特征仅在于该接口装置通过耦合开关控制接收两个信息源的信号，而本领域技术人员都知道如果要接收两个信息源的信号，可以通过耦合一个开关来进行控制，并且根据两个信号源的不同特点与需求，必定要将该开关耦合到所述分配器和所述第二调谐器，这一区别仅仅是所属技术领域的公知常识。对比文件 1 和对比文件 2 技术领域相同，在对比文件 1 的基础上结合对比文件 2，并结合所属技术领域中的公知常识，得出该权利要求所要求保护的技术方案，对所属技术领域的技术人员来说是显而易见的，而且它们的结合没有产生预料不到的技术效果，因此该权利要求不具备突出的实质性特点和显著的进步，因而不具备专利法第 22 条第 3 款规定的创造性。

7、权利要求 9 是权利要求 8 的从属权利要求，但是对比文件 1 中已经公开了双工器，并且作用与该权利要求中的相同（参见对比文件 1 第 7 页 15 行~第 8 页 6 行，图 4），因此，在其引用的权利要求不具备创造性的前提下，该权利要求也不具备专利法第 22 条第 3 款规定的创造性。

8、权利要求 10 的附加技术特征为“在所述开关的所述第一和第二两个位置，从所述源接收的所述视频信号保持耦合到所述第一调谐器”，但是根据说明书的记载，视频信号应该是耦合到模拟/数字视频调谐器，也就是第二调谐器，因此，该权利要求得不到说明书的支持，不符合专利法第 26 条第 4 款的规定。

9、权利要求 11、12 都是权利要求 8 的从属权利要求，而对权利要求 8 中的评述中已经提到对比文件 1 中的 DOCSIS 调谐器就相当于第一调谐器，必定支持由 CATV 头端对所述电缆调制解调器的状态的连续状态查询，而接收模拟信号的第二调谐器包括 OpenCable 兼容调谐器也是本领域技术人员的常用手段，因此，在其引用的权利要求不具备创造性的前提下，权利要求 11、12 也不具备专利法第 22 条第 3 款规定的创造性。

10、权利要求 13 要求保护一种机顶盒,而对比文件 1 也公开了一种机顶盒,其中披露了以下技术特征:该机顶盒包括一个端子,用于接收来自电缆网络(相当于第一源)的信号并输出返回信号到电缆网络;一个双工器耦合到所述端子;一个 DOCSIS 调谐器、In-Band 调谐器(相当于第一和第二调谐器)和一个返回通道传输器分别耦合到双工器。由此可见,权利要求 1<sup>3</sup>与对比文件 1 的区别仅在于在双工器和两个调谐器之间耦合了一个信号分配器用于分配接收通信信号并传输给两个调谐器。由区别特征可以看出,权利要求 1<sup>3</sup>实际要解决的技术问题是根据频率的不同将接收信号分离成模拟的视频信号和 DOCSIS 信号。而对比文件 2 也公开了一种用于有线电视的电缆调制解调器用调谐器,包括上行数据流电路部(40)和用来接收来自所述 CATV 台的下行信号并进行处理的接收部,所述接收部具有选择部(18~20)根据经所述电缆接收到的信号中的频带,选择输出对应于包含至少 2 个系统的多个系统中的所希望的系统的信号,经过一系列处理后通过分配器(46)最终将信号分离成模拟信号和数字基带信号分别从输出端 15 和 35 输出。由此可见,对比文件 2 中调谐器的接收部与本申请中的信号分配器所起的作用相同,本领域技术人员很容易从中得到技术启示,在对比文件 1 的基础上结合对比文件 2 得到该权利要求要求保护的技术方案,因此,权利要求 1<sup>3</sup>不具备突出的实质性特点和显著的进步,因而不具备专利法第 22 条第 3 款规定的创造性。

11、权利要求 14 是权利要求 13 的从属权利要求,而本领域技术人员都知道如果要接收两个信息源的信号,可以通过耦合一个开关来进行控制,并且根据两个信号源的不同特点与需求,必定要将该开关耦合到所述分配器和所述第二调谐器,这一区别仅仅是所属技术领域的公知常识。对比文件 1 和对比文件 2 技术领域相同,在对比文件 1 的基础上结合对比文件 2,并结合所属技术领域的公知常识,得出该权利要求所要求保护的技术方案,对所属技术领域的技术人员来说是显而易见的,而且它们的结合没有产生预料不到的技术效果,因此该权利要求不具备突出的实质性特点和显著的进步,因而不具备专利法第 22 条第 3 款规定的创造性。

12、权利要求 15-17 增加了一些附加技术特征,而对权利要求 13 中的评述中已经提到对比文件 1 中的 DOCSIS 调谐器就相当于第一调谐器,第二调谐器用于协调模拟信号,可以协调 NTSC 模拟电视信号也是本领域内的公知常识,因此,在其引用的权利要求不具备创造性的前提下,权利要求 15-17 也不具备专利法第 22 条第 3 款规定的创造性。

13、权利要求 18 表述不清楚,“第一和第二复制信号”是从“第一信号频带”还是“第二信号频带”分配出来的,“第一信号频带”和“第二信号频带”与“第一和第二复制信号”是什么关系都不清楚,导致本领域技术人员无法理解,不符合专利法实施细则第 20 条第 1 款的规定。

基于上述理由,本申请不能被授予专利权,如果申请人不能在本通知书规定的答复期限内提出具有说服力的理由,本申请将被驳回。

审查员: 吴佳

2004/4/18

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NO.	Reference No. or Title	Publishing Date
1	"Interactive cable is a reality - Liberate Technologies and CISCO working together"	1999.12.31
	CISCO SYSTEMS INC. AND LIBERATE TECHNOLOGIES	
2	CN1220547A	1999.6.23

6. Concluding comments

☐ on the specification:

- ☐ The contents of the application are in contrary to Article 5 of the Patent Law and therefore are not patentable.
- ☐ The contents of the application do not possess the practical applicability as prescribed in Paragraph 4 of Article 5 of the Patent Law.
- ☐ The specification is not in conformity with the provision of Paragraph 3 of Article 26 of the Patent Law.
- ☐ The presentation of the specification is not in conformity with the provision of Rule 18 of the Implementing Regulations.

☒ on the claims:

- ☐ Claim(s) \_\_\_\_\_ belong(s) to non-patentable subject matter as prescribed in Article 25 of the Patent law.
- ☐ Claim(s) \_\_\_\_\_ do(es) not comply with the definition of a patent as provided in Rule 2 paragraph 1 of the Implementing Regulations.
- ☐ Claim(s) \_\_\_\_\_ do(es) not possess novelty as requested by Article 22 paragraph 2 of the Patent Law.
- ☒ Claim(s) 1-3, 8-9, 11-17 do(es) not possess inventiveness as requested by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ do(es) not possess practical applicability as requested by Article 22 paragraph 4 of the Patent Law.
- ☒ Claim(s) 10 do(es) not comply with the provision of Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ do(es) not comply with the provision of Article 31 paragraph 1 of the Patent Law.
- ☒ Claim(s) 4-7, 18 do(es) not comply with provision of Rules 20 to 23 of the Implementing Regulations.
- ☐ Claim(s) \_\_\_\_\_ do(es) not comply with the provision of Article 9 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ do(es) not comply with the provision of Rule 12 paragraph 1 of the Implementing Regulations.

The detailed analysis for the above concluding comments is presented on the text of this Office Action.

7. Based on the above concluding comments, the examiner is of the opinion that

- ☐ The applicant should amend the application document(s) in accordance with the requirement as specified in the Office Action.
- ☒ The applicant should, in his observation, expound the patentability of the application of the application, amend the defects pointed out in the Office Action; or the application can hardly be approved.
- ☐ The examiner deems that the application lacks substantive features to make it patentable. Therefore, the application will be rejected if no convincing reasons are provided to prove its patentability.

8. The applicant should pay attention to the following matters:

- (1) According to Article 37 of the Patent Law, the applicant is required to submit his observations within Four months upon receipt of this Office Action. If the time limit for making response is not met without any justified reason, the application to have been withdraw.
- (2) The amendment(s) made by the applicant must meet the requirements of Article 33 of the Patent Law. The amended text should be in duplicate, its format should conform to the related confinement in the Guidance for Examination.
- (3) The applicant and/or the agent should not go to the Chinese Patent Office to interview the examiner without being invited.
- (4) The observation and/of the amended document(s) must be mailed or delivered to the Receiving Section of the Chinese Patent Office. No legal effect shall apply for any document(s) that not mailed to or reached the Receiving Section.

9. The text of this Office Action contains 5 page(s), and has the following attachment(s):

☒ 2 copies of the cited references, all together 49 pages.



Examination Dept. No. \_\_\_\_\_ Examiner \_\_\_\_\_ Seal of Examination Dept. for business only \_\_\_\_\_

(if the Office Action wasn't stamped by the specified seal, it has no legal effect)

# The Patent office of the People's Republic Of China

Address: No. 6 XITUCHENG ROAD, JIMEN BRIDGE, HAIDIAN DISTRICT, BEIJING

Post Code: 100088

Applicant: THOMSON LICENSING S.A.	ISSUING DATE:  2004. 5. 14
Agent: xiao zhang lue.	
Application No.: 01112397.4	
Title: SIGNAL INTERFACE FOR A BI-DIRECTIONAL ----	

## THE FIRST OFFICE ACTION

1. ☒ The applicant filed a request for substantive examination on Year \_\_\_\_ Month \_\_\_\_ Day \_\_\_\_ according to Article 35 Paragraph 1 of the Patent Law. The examiner has conducted a substantive examination to the above-mentioned patent application.  
☐ According to Article 35 paragraph 2 of the Patent Law. Chinese Patent office decided on its own initiative to conduct a substantive examination to the above-mentioned patent application.
2. ☒ The applicant requested to take  
Year 90 Month 4 Day 6 on which an application is filed with the US patent office as the priority date.  
Year \_\_\_\_ Month \_\_\_\_ Day \_\_\_\_ on which an application is filed with the \_\_\_\_ patent office as the priority date.  
Year \_\_\_\_ Month \_\_\_\_ Day \_\_\_\_ on which an application is filed with the \_\_\_\_ patent office as the priority date.  
☒ The applicant has submitted the copy of the earliest application document certified by the competent authority of that country.  
☐ According to Article 30 of the Patent Law, if the applicant has not yet submitted the copy of the earliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made.  
☐ This application is a PCT application.
3. ☐ The applicant submitted the amended document(s) on Year \_\_\_\_ Month \_\_\_\_ Day \_\_\_\_ and Year \_\_\_\_ Month \_\_\_\_ Day \_\_\_\_ after examination, \_\_\_\_ submitted on Year \_\_\_\_ Month \_\_\_\_ Day \_\_\_\_ is/are not accepted.  
\_\_\_\_ submitted on Year \_\_\_\_ Month \_\_\_\_ Day \_\_\_\_ is/are not accepted  
because the said amendment(s) ☐ is/are not in conformity with Article 33 of the Patent Law.  
☐ is/are not in conformity with Rule 51 of the Implementing Regulations.  
☐ The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action.
4. ☒ The examination has been conducted based on the application text as originally filed.  
☐ The examination has been conducted based on the following text(s):  
page(s) \_\_\_\_ of the specification, Claim(s) \_\_\_\_, and figure(s) \_\_\_\_ in the original text of the application submitted on the filing day.  
page(s) \_\_\_\_ of the specification, claim(s) \_\_\_\_, and figure(s) \_\_\_\_ submitted on Year \_\_\_\_ Month \_\_\_\_ Day \_\_\_\_  
page(s) \_\_\_\_ of the specification, claim(s) \_\_\_\_, and figure(s) \_\_\_\_ submitted on Year \_\_\_\_ Month \_\_\_\_ Day \_\_\_\_
5. ☐ This notification was made without undergoing search.  
☒ This notification was made with undergoing search.  
☒ The following reference document(s) is/are cited: (the reference numeral(s) thereof will be used in the examination procedure hereafter)

## TEXT OF THE FIRST OFFICE ACTION

Application number: 01112397.4

As stated in the specification, the present application relates to a signal interface for a bi-directional communication device. After examination, the examination opinions are now provided as follows:

1. Claim 1 is for a signal interface apparatus. Reference 1 ("Interactive Cable Is a Reality: Liberate Technologies and Cisco Working Together" CISCO SYSTEMS INC. AND LIBERATE TECHNOLOGIES, 1999, San Jose;) has also disclosed a signal interface apparatus, wherein the technical features are disclosed as follows (refer to line 15 of page 7 to line 6 of page 8, and Figure 4): said interface apparatus comprising a terminal operable to receive a signal from the cable network (corresponds to first source) and output a return signal to the cable network; a diplexer coupled to said terminal; a DOCSIS tuner, In-Band tuner (correspond to first and second tuners) and a return channel transmitter coupled to the diplexer respectively. Thus it can be seen that claim 1 differs Reference 1 only in that a signal splitter coupled between the diplexer and the two tuners for splitting the received communication signal and transmitting the signal to the two tuners. It can be seen from the distinctive technical feature that the technical problem to be solved by claim 1 in fact is that splitting the received signal into analog video signal and DOCSIS signal according to different frequencies. Whereas Reference 2 (publication number: CN1220547A, date of disclosure: June 23, 1999) has also disclosed a cable modem tuner for cable television, comprising an up-stream circuit section (40) and a receiving section for receiving and processing an down-stream from said CATV station. Said receiving section comprises selection sections (18 - 20) for selecting and outputting signals corresponding to the desired system in a plurality of systems having at least two systems according to the frequency bands of the signals received by said cable. After a series of processes, the signals are separated into analog signals and digital baseband signals at last via the branching unit (46) to be output respectively from the output terminals 15 and 35 (refer to paragraph 0049 to paragraph 0064 of the specification and Figure 1). Thus it can be seen that the functions of the receiving section of the tuner in Reference 2 and the signal splitter in the present application are the same, and it is quite easy for a person skilled in the art to get technical inspirations from it to obtain the technical solution of claim 1 by combing Reference 2 based on Reference 1. Therefore, claim 1 does not possess inventiveness as prescribed in Article 22, clause 3 of the Chinese Patent Law in that it does not possess any prominent substantive feature, nor does it represent a notable progress.

2. Claim 2 is the dependent claim of claim 1. However, it is known by those skilled in

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the art that operable to generate return communication signal must be performed via a processor. Furthermore, according to the apparatus of claim 1, said processor must be coupled to the diplexer, thus the return communication signal can be provided directly to said diplexer bypassing the splitting device. Therefore, when the claim that referred to by claim 2 does not possess inventiveness, claim 2 does not possess inventiveness as prescribed in Article 22, clause 3 of the Chinese Patent Law either.

3. Claim 3 is the dependent claim of claim 1. However, it has been mentioned in the comments on claim 1 that the DOCSIS tuner in Reference 1 corresponds to the first tuner, thus it must comprise DOCSIS compatible signal and tunes to receive said first replicated signal, and the In-Band tuner corresponds to the second tuner, thus it comprises MPEG-2 compatible signal and tunes to receive said second replicated signal. Thus it can be seen that the additional technical features of claim 3 have been disclosed by Reference 1. When the claim that referred to by claim 3 does not possess inventiveness, claim 3 does not possess inventiveness as prescribed in Article 22, clause 3 of the Chinese Patent Law either.

4. Claim 4 is of indefinite meaning. It is not clear what the relationship between "DOCSIS compatible decoder" and "the first tuner" in claim 1 is, and the examiner can not make sure whether said claim defines "the first tuner" or adds another apparatus. Furthermore, the relationship between the "analog NTSC signal compatible decoder" as well as the "MPEG compatible decoder" and "the second tuner" is not clear either. The above stated renders the protection scope of the claim unclear, which does not comply with the provision of Rule 20, paragraph 1 of the Implementing Regulations of the Chinese Patent Law.

5. Claims 5 to 7 are the dependent claims of claim 1. The preamble portion of claim 1 has defined that said interface apparatus is for decoding video signal received from a first source. However, claim 5 defines that said system decodes a video signal received from first and second sources, which is not consistent with claim 1. Thus, it renders the protection scope unclear, which does not comply with the provision of Rule 20, paragraph 1 of the Implementing Regulations of the Chinese Patent Law.

6. Claim 8 defines in a system for decoding video signals received from first and second sources and supporting continuous bi-directional communication with said first source, apparatus providing a signal interface for conditioning signals received from said second source and communicated between said system and said first source. Whereas Reference 1 (refer to line 15 of page 7 to line 6 of page 8 and Figure 4) has disclosed an signal interface apparatus bi-directional communicating with information source, comprising a terminal (corresponds to first terminal) operable to receive a signal from the cable network (corresponds to first source) and output a return signal to the cable network; a diplexer coupled to said terminal; a DOCSIS tuner, In-Band tuner (correspond to first and second tuners) and a return channel transmitter coupled to the diplexer respectively. Meanwhile, Reference 2 (refer to paragraph 0049 to

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paragraph 0064 of the specification and Figure 1) has also disclosed a cable modem tuner for cable television, wherein the functions of the receiving section of the tuner and the signal splitter in the present application are the same. Thus it can be seen that the distinctive technical feature between said claim and References 1 and 2 only lies in that said interface apparatus controls and receives the signals from two information sources via coupling of the switch. However, it is known by those skilled in the art that if the signals from two information sources are received, the control can be performed via coupling a switch and the switch must be coupled to said splitter and said second tuner according to different characteristics and requirements of the two signal sources, which is only the common knowledge in the relevant field of technology. Reference 1 and Reference 2 belong to the same technical field, thus it is obvious for a person skilled in the relevant field of technology to obtain the technical solution of said claim by combining Reference 2 and the common knowledge in the relevant field of technology based on Reference 1. Furthermore, their combination does not produce unexpected technical effects. Therefore, said claim 8 does not possess inventiveness as prescribed in Article 22, clause 3 of the Chinese Patent Law in that it does not possess any prominent substantive feature, nor does it represent a notable progress.

7. Claim 9 is the dependent claim of claim 8. However, the diplexer has been disclosed in Reference 1, and the function of which is the same with that in said claim (refer to line 15 of page 7 to line 6 of page 8 and Figure 4 in Reference 1). Therefore, when the claim that referred to by said claim 9 does not possess inventiveness, said claim does not possess inventiveness as prescribed in Article 22, clause 3 of the Chinese Patent Law either.

8. The additional technical feature of claim 10 is "in both said first and second positions of said switch, said video signal received from said source remains coupled to said first tuner". However, according to the disclosure of the specification, video signal should be coupled to analog/digital video tuner, i.e. the second tuner. Therefore, said claim can not be supported by the specification, which does not comply with the provision of Article 26, clause 4 of the Chinese Patent Law.

9. Both claim 11 and claim 12 are the dependent claims of claim 8. However, it has been mentioned in the comments on claim 8 that the DOCSIS tuner in Reference 1 corresponds to the first tuner, thus must support continuous status polling by a CATV head end of a status of said cable modem. And the second tuner for receiving the analog signal comprising OpenCable compatible tuner is also the habitual means adopted by a person skilled in the art. Therefore, when the claim that referred to by claims 11 and 12 does not possess inventiveness, claims 11 and 12 do not possess inventiveness as prescribed in Article 22, clause 3 of the Chinese Patent Law.

10. Claim 13 is for a set top box, whereas Reference 1 has also disclosed a set top box with the technical features disclosed as follows: said set top box comprising a

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terminal operable to receive a signal from the cable network (corresponds to first source) and output a return signal to the cable network; a diplexer coupled to said terminal; a DOCSIS tuner, In-Band tuner (correspond to first and second tuners) and a return channel transmitter coupled to the diplexer respectively. Thus it can be seen that claim 13 differs Reference 1 only in that a signal splitter coupled between the diplexer and the two tuners for splitting the received communication signal and transmitting the signal to the two tuners. It can be seen from the distinctive technical feature that the technical problem to be solved by claim 13 in fact is that splitting the received signal into analog video signal and DOCSIS signal according to different frequencies. Whereas Reference 2 has also disclosed a cable modem tuner for cable television, comprising an up-stream circuit section (40) and a receiving section for receiving and processing a down-stream from said CATV station. Said receiving section comprises selection sections (18 - 20) for selecting and outputting signals corresponding to the desired system in a plurality of systems having at least two systems according to the frequency bands of the signals received by said cable. After a series of processes, the signals are separated into analog signals and digital baseband signals via the branching unit (46) at last to be output respectively from the output terminals 15 and 35. Thus it can be seen that the functions of the receiving section of the tuner in Reference 2 and the signal splitter in the present application are the same, and it is quite easy for a person skilled in the art to get technical inspirations from it to obtain the technical solution of claim 13 by combining Reference 2 based on Reference 1. Therefore, claim 13 does not possess inventiveness as prescribed in Article 22, clause 3 of the Chinese Patent Law in that it does not possess any prominent substantive feature, nor does it represent a notable progress.

11. Claim 14 is the dependent claim of claim 13. However, it is known by those skilled in the art that if the signals from two information sources are to be received, the control can be performed via coupling a switch and the switch must be coupled to said splitter and said second tuner according to different characteristics and requirements of the two signal sources, which is only the common knowledge in the relevant field of technology. Reference 1 and Reference 2 belong to the same technical field, thus it is obvious for a person skilled in the relevant field of technology to obtain the technical solution of said claim by combining Reference 2 and the common knowledge in the relevant field of technology based on Reference 1. Furthermore, their combination does not produce unexpected technical effects. Therefore, said claim 14 does not possess inventiveness as prescribed in Article 22, clause 3 of the Chinese Patent Law in that it does not possess any prominent substantive feature, nor does it represent a notable progress.

12. Claims 15 to 17 have added some additional technical features. However, it has been mentioned in the comments on claim 13 that DOCSIS tuner in Reference 1 corresponds to first tuner and second tuner is for tuning analog signal, and NTSC analog television signal can be tuned is also the common knowledge in the art. Therefore, when the claims that referred to by claims 15 to 17 do not possess

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inventiveness, claims 15 to 17 do not possess inventiveness as prescribed in Article 22, clause 3 of the Chinese Patent Law.

13. The description of claim 18 is not clear, wherein it is not clear whether the “a first and second replicated signal” are spitted from “first signal band” or “second signal band” and what the relationship between “fist signal band” as well as “second signal band” and “a first and second replicated signal” is, which renders that a person skilled in the art can not understand and does not comply with the provision of Rule 20, paragraph 1 of the Implementing Regulations of the Chinese Patent Law.

Based on the above reasons, the present application can not be granted a patent right. If the applicant fails to provide convincing reasons within the response time limit designated in this Office Action, the present application will be rejected.

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